

FILED

July 11 2008

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DIANE G. BARZ

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Montana Supreme Court
P.O. Box 203003
Helena, MT 59820-3003

Re: **Proposed Montana Code of Judicial Conduct Rule 3.10**

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STATE OF MONTANA

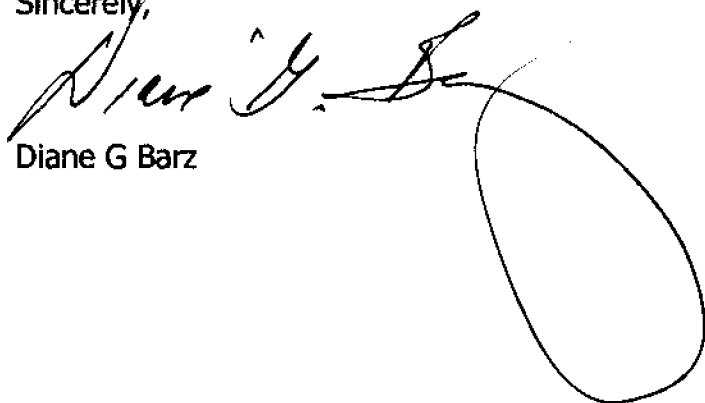
Dear Honorable Justices:

I do not like the proposal that a full-time judge in a court of limited jurisdiction cannot practice law. The proposed rule is fine in a municipality or populated jurisdiction where salaries and benefits can often be as much or more than that of a district judge in Montana. Many of our full-time limited jurisdiction judges do not make \$45,000 per year. This means that an attorney elected to that lower court will not be able to justify continuing without the added income of a small part-time practice.

It is important that lawyers can serve as lower court judges if the system is expected to improve. I have certainly seen in my career the damage that a layperson can do in that position to what often is the only justice our Montana people see. I have had the opportunity to substitute as a justice of the peace pro tem in Lake County. It is a busy court with concurrent tribal jurisdiction too. To allow a part-time sheriff or realtor the opportunity to hold the position and have outside income yet deny the attorney that opportunity is not fair to the citizens.

Keep the old rule for the smaller limited court jurisdictions.

Sincerely,



Diane G Barz